

REMARKS

The Official Action dated June 8, 2009, and the Advisory Action mailed September 29, 2009, have been received and their contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to October 8, 2009. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

Initially, the Applicant appreciates Examiner Xiao's time in conducting a telephonic interview with the Applicant's representative on October 7, 2009. Agreement was reached that changing "...either one of ..." to "...only one of ..." in claims 1-5, 100 and 101 overcomes the rejections based on the interpretation set forth in the Advisory Action mailed September 29, 2009. Although claims 6 and 7 were not directly discussed during the interview, a similar amendment has been made in claims 6 and 7, i.e. "... when one of ..." has been changed to "... when only one of" The Examiner agreed to consider the Applicant's remarks following the submission of this *Amendment*.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 13, 2004; June 11, 2008; and March 9, 2009.

Claims 1-127, 129 and 130 are pending in the present application, of which claims 1-7, 100 and 101 are independent. Claims 1-7, 100 and 101 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-61, 68-127, 129 and 130 as obvious based on the combination of JP 11-125841 to Chiyou and U.S. Patent No. 7,196,699 to Kubota. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Specifically, independent claims 1 and 101 have been amended to recite that "the second circuit is configured to select only one of the sensor portion and the liquid crystal element portion." Similarly, independent claim 100 has been amended to recite that "the second circuit is configured to select only one of the sensor portion and the light emitting element portion." Independent claims 2-5 have been amended to recite that "the second circuit is so configured that only one of the first logical circuit and the second logical circuit outputs a pulse signal." Independent claims 6 and 7 have been amended to recite that "the second circuit is so configured that, when only one of the first logical circuit and the second logical circuit outputs a non-selection signal to one of the first TFT and the second TFT, the other of the first logical circuit and the second logical circuit outputs a selection signal based on the timing signal to the other of the first TFT and the second TFT." The Applicant respectfully submits that Chiyou and Kubota, either alone or in

combination, do not teach or suggest the above-referenced features of the present invention.


Since Chiyou and Kubota do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Official Action rejects claims 62-67 as obvious based on the combination of Chiyou, Kubota and U.S. Patent No. 6,246,180 to Nishigaki. Please incorporate the arguments above with respect to the deficiencies in Chiyou and Kubota. Nishigaki does not cure the deficiencies in Chiyou and Kubota. The Official Action relies on Nishigaki to allegedly teach the features of the dependent claims. Specifically, the Official Action relies on Nishigaki to allegedly teach "an LED type matrix display which uses a selection TFT, a driver TFT and a reset TFT in order to drive the LED" (page 9, Paper No. 20090601). However, Chiyou, Kubota and Nishigaki, either alone or in combination, do not teach or suggest that Chiyou and Kubota should be modified to include the above-referenced features of the amended independent claims. Since Chiyou, Kubota and Nishigaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789